

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**MABELENE MORENS
and PETE EDWARDS**

PLAINTIFFS

v.

No. 3:19-cv-126-DPM

**DAKOTA DUNKIN, in his individual capacity;
JOHN DOES I-X, in their individual capacities;
and CITY OF OSCEOLA, ARKANSAS**

DEFENDANTS

ORDER

Osceola police officer Dunkin shot Edwards after ordering him to step out of his stopped car in front of Morens's home. Morens, who was on her front porch, says she was also hit by one of Dunkin's shots. Arkansas has charged Dunkin with second-degree battery for shooting Edwards. He and Morens have sued Dunkin and Osceola. The defendants seek a stay of this case pending resolution of the criminal charges against Dunkin.

Dunkin's and Osceola's motion to stay, *No. 18*, is mostly granted and partly denied. The plaintiffs' claims based on the shooting relate so closely to the criminal charge that Dunkin can't effectively defend against both. *Koester v. American Republic Investments, Inc.*, 11 F.3d 818, 823 (8th Cir. 1993). Dunkin therefore need not sit for deposition or answer discovery requests. But the plaintiffs can pursue discovery about the city's practices and policies without seeking information

about Dunkin or the shooting. Other than that limited discovery, the case is stayed pending Dunkin's criminal trial. The cutoff for the plaintiffs' Osceola-related discovery is 1 June 2020. Osceola and Dunkin must file a status report about his criminal trial by 6 March 2020 and every sixty days thereafter. Case stayed with a carve out.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.

United States District Judge

22 November 2019